

REMARKS

In the Office Action mailed May 13, 2008 the Office noted that claims 1-20 were pending and rejected claims 1-3 and 5-20 and objected to claim 4. Claims 1, 5, 6, 8, 11 and 17 have been amended, claims 3, 4 and 18 have been canceled, and, thus, in view of the foregoing claims 1, 2, 5-17, 19 and 20 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

ALLOWABLE SUBJECT MATTER

The Office has indicated that claim 4 would be in a condition for allowance if re-written in independent form. The Applicants thank the Office for the consideration given the claims. Claims 1 and 17 have been amended to recite the features of claims 3 and 4. Claims 3 and 4 and 18 have been cancelled. Thus, claims 1 and 17 and their dependents are allowable.

REJECTIONS under 35 U.S.C. § 112

Claims 1, 3 and 18 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement.

In particular, the Office asserts that "said rotatable device further comprising: a second distance measurement device, for measuring in a second direction a second distance between

said device and a selected position on a surface of an element mounted relative to said measurement frame," is unclear. Further, that "it is unclear how the rotatable device could comprise a distant measurement device as disclosed."

The Applicants bring the attention of the Office to Fig. 2, rotatable distance sensor 2. Further, the paragraph beginning at page 8, line 8 states

FIG. 1 further shows that the **rotatable device 2 has a cylindrical form**. In this setup, all movements are in a single plane, and rotations only occur with axis of rotation a direction perpendicular to said plane. Such a setup offers good placement accuracy and stability. Other forms, such as spherical forms, allow for rotations in other directions. Furthermore, with reference to FIG. 3, a regular polyedric form is discussed. The **rotatable device 2 having reflective surface 7 is comprised in a (not shown) housing provided on said stage 3**. Such housing provides a bearing 8, such as an air bearing or the like. For nm precise positioning measurement of the rotatable device 2 the reflective surface 7 forms a part fixed relative to said second device 2, for instance by forming an integral part with device 2. Furthermore, focusing members 9 are present for focusing light from said first distance measurement device on said reflective measurement surface 7, so that a reflective light beam emanates virtually from the central axis of said rotatable device 2. Such a light beam originates from a heterodyne laser arrangement 10, substantially producing light at two close by wavelengths as is well known in the art.

Thus, both the figures and the Specification enable the claim as currently recited.

As regards the term polyedric, the Applicants have amended the claim to use the polyhederal.

Claims 1 and 11 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly

point out and distinctly claim the subject matter which the applicant regards as the invention. In particular, the Office asserts the claims have antecedent basis issues or use indefinite phrases. The claims have been amended to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-3 and 5-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Moriyama, U.S. Patent No. 4,575,942. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

The Applicant has amended claims 1 and 17 to include the features of claims 3 and 4. As the Office has indicated claim 4 is allowable, claims 1 and 17 and their dependents are thus allowable.

Withdrawal of the rejection is respectfully requested.

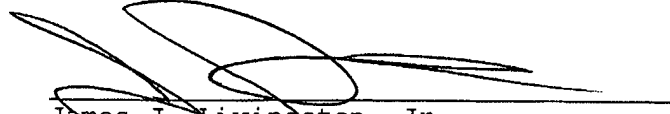
SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 102. It is also submitted that claims 1, 2, 5-17, 19 and 20 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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